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OFFICE OF PETITIONS

In re Application of :
Shia Chung Chen :
Application No. 10/680,057 :
Filed: October 6, 2003 :
Attorney Docket No. 1397 B :

DECISION GRANTING PETITION

This is a decision on the petition filed April 1, 2004, requesting that the above-identified application retain the presently accorded a filing date of October 6, 2003, with figure 10 of the drawings as part of the original disclosure.

On October 6, 2003, the above-identified application was filed. On March 9, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of a Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of October 6, 2003 however, figure 10 of the drawings appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on April 1, 2004, applicants filed the present petition, a copy of figure 10, and a postcard receipt date-stamped by the Office

Upon review of the record, figure 10 of the drawings was not located among the application papers. The evidence is convincing that the application papers deposited October 6, 2003, included ten sheets of drawings that included figure 10. Therefore, the application, including figure 10 of the drawings, was complete on filing and entitled to the presently accorded filing date of October 6, 2003.

Accordingly, the petition is granted. The petition fee of \$130.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of October 6, 2003, using the ten (10) sheets of drawings filed October 6, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions